THE HON'BLE SRI JUSTICE K.C. BHANU

On Thursday, the twenty fifth day of August

Two thousand and Five.

W.P.No.3028 of 2004

Vangari Prabhakar, s/o Chandraiah, aged about 33 years, Occ: Unemployee, R/o H.No.16-10-1192, Shivanagar, Warangal and another.

……Petitioners

And

The Director of Youth Services and Managing Director, A.P.State Training and Employment Promotion (APSTEP).5th Floor, Parisrama Bhavan, Basheerbagh at Hyderabad & 2 others.

…Respondent.

O R D E R:

This writ petition is filed by the petitioners to declare the impugned proceedings passed by the 2nd respondent in Rc.No.434/Accts/2001 dated 14.11.2003 as illegal and contrary to the proceedings issued by the 1st respondent dated 27.06.2003 and to direct the respondents to appoint the one among the three candidates who are attended to the interviews on 19.07.2003.

The respondents filed counter affidavit denying the contentions of petitioners pleaded in the writ petition.

Heard the learned counsel for the petitioners and the learned Government Pleaders appearing for respondents.

The learned counsel for the petitioners relied upon the proceedings issued by the Director of Youth Services and Managing Director, A.P. State Training and Employment Promotion (APSTEP), dated 27.06.2003, wherein the EYWO & Ex-officio CEO is permitted to appoint one Computer Operator sponsored by any private computer institute on contingent basis.

It is contended by the learned Government Pleader for Assignment on behalf of the 2nd respondent that it is not the case of the Collector that there was a sanctioned post and in the impugned proceedings it is clearly observed that the question of appointment of the petitioners or any other persons in the non-existent post does not arise. The said observation is not to be false or incorrect or contrary to any sanctioned proceedings.

In pursuance of the directions given by this Court in WPMP.No.20838 of 2003 in W.P.No.16779 of 2003 dated 19.8.2003, the District Collector, Warangal, conducted a detailed enquiry and observed that it is not possible to appoint either the petitioners or any other person to the alleged non-existent post of Computer Operator in the office of CEO, SETWAR, Warangal. The petitioners have not filed any proceedings to show that the post of Computer Operator is created by a competent authority is in existence in the office of the CEO, SETWAR. The proceedings on which the learned counsel relied on is only permission to appoint Computer Operator, such a permission does not infer to show that the post of Computer Operator is in existence or created by the competent authority. In the absence of any sanctioned post, the question of appointment of Computer Operator does not arise.

Therefore, the impugned proceeding does not suffer from incurable legal infirmities. The writ petition is devoid of merit and is dismissed. No order as to costs.

JUSTICE K.C. BHANU

25th August 2005

BCS